

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH AND GAME**

**Call to Order:** By **CHAIRMAN JOSEPH (JOE) TROPILA**, on March 8, 2005 at 3:00 P.M., in Room 422 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Joseph (Joe) Tropila, Chairman (D)  
Sen. Keith Bales (R)  
Sen. Joe Balyeat (R)  
Sen. Gregory D. Barkus (R)  
Sen. Steven Gallus (D)  
Sen. Ken (Kim) Hansen (D)  
Sen. Lane L. Larson (D)  
Sen. Don Ryan (D)  
Sen. Bill Tash (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Annie Glover, Committee Secretary  
Chris Lohse, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted:	HB 208, 3/3/2005; HB 242, 3/3/2005; HB 131, 3/3/2005; HB 269, 3/3/2005; HB 298, 3/3/2005
Executive Action:	HB 298, HB 131, HB 242, HB 208, HB 79, SB 190

00:00:03 \_\_\_\_\_

**HEARING ON HB 208**

**Opening Statement by Sponsor:**

**REP. CHRISTINE KAUFMANN (D), HD 81**, opened the hearing on **HB 208**,  
Revise FWP right-of-way acquisition and property conveyance law.

**Proponents' Testimony:**

00:04:15           **Mr. Chris Smith, Fish, Wildlife and Parks**

**EXHIBIT**(fis51a01)

00:07:31           **Mr. John Youngberg, Montana Farm Bureau Federation**

**Opponents' Testimony:** None.

**Informational Testimony:** None.

00:09:05

**Questions from Committee Members and Responses:**

**Mr. Bob Lane, Chief Legal Counsel, Fish, Wildlife and Parks**

00:14:45

**Closing by Sponsor:**

00:15:36

**HEARING ON HB 242**

**Opening Statement by Sponsor:**

**REP. CAROL LAMBERT (R), HD 39**, opened the hearing on **HB 242**, Age  
waiver for hunting license for terminally ill youth.

**EXHIBIT**(fis51a02)

**Proponents' Testimony:**

00:17:30           **Mr. Chris Smith, Fish, Wildlife and Parks**

**EXHIBIT**(fis51a03)

**Opponents' Testimony:** None.

**Informational Testimony:** None.

Questions from Committee Members and Responses: None.

00:20:14

Closing by Sponsor:

00:20:56

HEARING ON HB 131

Opening Statement by Sponsor:

REP. PAUL CLARK (D), HD 13, opened the hearing on **HB 131**, Revise fish and game felony laws.

[EXHIBIT\(fis51a04\)](#)

[EXHIBIT\(fis51a05\)](#)

Proponents' Testimony:

00:24:35            Mr. John Connor, Chief Legal Counsel, Attorney General's Office

00:25:44            Ms. Barb Harris, Assistant Attorney General

00:27:14            Mr. Jim Kropp, Law Enforcement Chief, Fish, Wildlife and Parks

[EXHIBIT\(fis51a06\)](#)

Opponents' Testimony: None.

Informational Testimony: None.

00:29:07

Questions from Committee Members and Responses:

00:29:47

Closing by Sponsor:

00:31:56

HEARING ON HB 269

Opening Statement by Sponsor:

REP. PAUL CLARK (D), HD 13, opened the hearing on **HB 269**, Clarify recreational access to public waters upon road abandonment.

Proponents' Testimony:

00:37:32            Mr. Stan Frasier, Helena Hunters and Anglers Association

00:40:29           **Mr. Tony Shoonen, Montana Coalition for Stream  
Access**

[EXHIBIT\(fis51a07\)](#)

[EXHIBIT\(fis51a08\)](#)

[EXHIBIT\(fis51a09\)](#)

[EXHIBIT\(fis51a10\)](#)

00:44:00           **Mr. Leroy Mehring, Public Lands, Water and Access  
Association**

[EXHIBIT\(fis51a11\)](#)

00:45:30           **Mr. Robert Throssell, Montana Wildlife Federation**

00:46:02           **Mr. Dave Van Tighen, Russell Country Sportsmen  
Association**

00:46:42           **Mr. John Wilson, Montana Trout Unlimited**

00:49:34           **Mr. Jeff Hagener, Director, Fish, Wildlife and  
Parks**

[EXHIBIT\(fis51a12\)](#)

00:50:21           **Mr. Dennis Cates, Fisherman**

00:50:49           **Mr. Robin Cunningham, Fishing Outfitters of  
Montana**

00:51:21           **Mr. Lloyd Thomas, Anaconda Sportsmen**

00:51:42           **Mr. Vince Fischer, Skyline Sportsmen Board**

**Opponents' Testimony:**

00:52:13           **Mr. John Bloomquist, Montana Stockgrowers  
Association, also representing John Youngberg,  
Montana Farm Bureau Federation**

01:00:54           **Mr. Gary MacDonald, Roosevelt County Commissioner**

**Informational Testimony:**

01:02:47           **Ms. Candace West, Attorney General's Office**

01:03:20

**Questions from Committee Members and Responses:**

01:34:16

**Closing by Sponsor:**

01:37:08

**HEARING ON HB 298**

**Opening Statement by Sponsor:**

**REP. PAUL CLARK (D), HD 13**, opened the hearing on **HB 298**, Provide emergency stream flow for fisheries.

**Proponents' Testimony:**

01:39:21       **Mr. Derek Goldman, American Fisheries Society**  
01:40:17       **Mr. John Wilson, Montana Trout Unlimited**  
01:40:57       **Mr. Tony Shoonen, Trout Unlimited, Montana**  
                  **Coalition for Stream Access**  
01:41:55       **Mr. Robin Cunningham, Fishing Outfitters of**  
                  **Montana**  
01:42:11       **Mr. John Bloomquist, Montana Stockgrowers**  
                  **Association**  
01:42:52       **Mr. Robert Throssell, Montana Wildlife Federation**  
01:43:11       **Mr. Mike Murphy, Montana Water Resources**  
                  **Association**  
01:44:00       **Mr. Leroy Mehring, Skyline Sportsmen Association**  
01:44:18       **Mr. Lloyd Thomas, Anaconda Sportsman**

**Opponents' Testimony:** None.

**Informational Testimony:**

01:44:46       **Mr. Jeff Hagener, Director, Fish, Wildlife and**  
                  **Parks**

**EXHIBIT**(fis51a13)

01:45:41

**Questions from Committee Members and Responses:**

01:46:20

**Closing by Sponsor:**

01:46:55

**EXECUTIVE ACTION ON HB 298**

**Motion:** SEN. TASH moved that HB 298 BE CONCURRED IN.

**Discussion:**

**Vote:** Motion carried unanimously by voice vote.

01:48:15

EXECUTIVE ACTION ON HB 131

Motion: SEN. GALLUS moved that HB 131 BE CONCURRED IN.

Discussion:

Vote: Motion carried unanimously by voice vote.

01:48:47

EXECUTIVE ACTION ON HB 242

Motion/Vote: SEN. RYAN moved that HB 242 BE CONCURRED IN. Motion carried unanimously by voice vote.

01:49:23

EXECUTIVE ACTION ON HB 208

Motion: SEN. GALLUS moved that HB 208 BE CONCURRED IN.

Discussion:

Motion: SEN. BALES moved that HB 208 BE AMENDED TO ADD A \$20,000 LIMIT.

Discussion:

Mr. Jeff Hagener, Director, Fish, Wildlife and Parks

Vote: Motion carried unanimously by voice vote.

Motion/Vote: SEN. GALLUS moved that HB 208 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote.

01:53:06

EXECUTIVE ACTION ON HB 79

Motion: SEN. GALLUS moved that HB 79 BE CONCURRED IN.

Discussion:

Mr. Jeff Hagener, Director, Fish, Wildlife and Parks

Mr. Bob Lane, Chief Legal Counsel, Fish, Wildlife and Parks

Vote: Motion carried 6-3 by voice vote with SEN. BALES, SEN. BARKUS, and SEN. TASH voting no.

02:07:21

**EXECUTIVE ACTION ON SB 190**

**Motion/Vote:** SEN. BALLYEAT moved that SB 190 BE TABLED. Motion carried unanimously by voice vote.

**ADJOURNMENT**

Adjournment: 5:00 P.M.

\_\_\_\_\_  
SEN. JOSEPH (JOE) TROPILA, Chairman

\_\_\_\_\_  
ANNIE GLOVER, Secretary

JT/ag

Additional Exhibits:

**EXHIBIT ([fis51aad0.PDF](#))**